

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
April 7, 2008

The Yadkin County Board of Commissioners met in Regular Session on Monday, April 7, 2008 at 9:00am in the Yadkin County Human Services Building (Commissioner's Meeting Room), 217 E. Willow Street, Yadkinville, North Carolina.

Present Were:

Chair Kim Clark Phillips
Vice Chair Joel Cornelius
Commissioner Tommy Garner
Commissioner Chad Wagoner
Commissioner Brady Wooten

Staff Present: County Manager, Eric Williams and County Attorney, Jim Graham.

CALL TO ORDER by Chair Phillips at 9:00am

Commissioner Wagoner made a motion to appoint County Manager Williams as the Acting Clerk in absence of Clerk Brown.
Commissioner Garner second.
Vote: 5/0

INVOCATION by Attorney Jim Graham

PLEDGE OF ALLEGIANCE led by Chair Phillips

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

County Manager Williams suggested the following adjustments and/or clarifications:

- (1) Regarding the DOT Public Hearing on the Secondary Road Improvement Plan.
- (2) Regarding the results of the Mercer Report on all Mental Health LMEs and the outstanding reviews received by Crossroads.

- (3) To add a RESOLUTION in support of a re-submitted Certificate of Need from Baptist Hospital.
- (4) To reorder the agenda concerning the presentation of the "Starmount Has a Heart Day" to Natalie Ford.

Commissioner Wooten made a motion to accept agenda with noted adjustments. Commissioner Garner second.

Vote: 5/0

PUBLIC COMMENTS

Brad Underdal addressed the Board with concerns and in opposition to the interpretation by the County Attorney and the Planning Director concerning the County Zoning regulations not applying to property used by the Hunter Safety Teams. In addition, Mr. Underdal voiced opposition to the Hunter Safety Team being allowed to use property owned by Drs. Keith and Kim Phillips even if for a temporary and interim time period as it was adjacent to property he owns.

APPROVAL OF MINUTES

Chair Phillips requested the following adjustments to the March 17, 2008 Minutes:

- (1) Page 5 – change the word "amend" to "adjust"
- (2) Page 10 – Chair Phillips commended Danny Widener for his securing a grant for the defibrillator, not Dale Trivette

Chair Phillips requested the following adjustment to the March 17, 2008 Closed Minutes:

- (1) Add the name of the Firm for Attorney Mike Phillips

Commissioner Wagoner questioned Commissioner Wooten's stated comments on page 8 regarding financial savings by building the jail downtown. After discussion and clarification, Commissioner Wagoner requested that the Minutes reflect that Commissioner Wooten stated that \$150,000 to \$200,000 could be saved, overall, by building the new jail downtown.

Commissioner Wagoner made a motion to approve the Minutes with noted adjustments. Commissioner Wooten second.

Vote: 5/0

REVIEW OF CLOSED SESSION MINUTES

The Board reviewed the following Closed Session Minutes:

March 6, 1997	August 4, 1997
September 15, 1997	October 6, 1997
February 2, 1998	February 16, 1998
September 21, 1998	October 19, 1998
December 7, 1998	March 4, 1999
March 15, 1999	

Commissioner Wooten inquired of the County Attorney if he had reviewed these Minutes and authorized their release, to which Attorney Graham said yes.

Commissioner Wooten made a motion to release the noted Closed Session Minutes. Vice Chair Cornelius second.

Vote: 5/0

PUBLIC HEARING

On the matter of the DOT Secondary Road Improvement Program in Yadkin County, Mr. Scott Gallman, County Maintenance Engineer, opened the discussions and advised that anyone from the public with a desire to speak could indicate this on a sign-up sheet. Mr. Gallman reviewed the Secondary Road Improvement Plan priorities, and the anticipated FY 2007-2008 allocations for Yadkin County as follows:

Highway Fund	\$886,049.15
Trust Fund	<u>\$1,201,150.89</u>
Total	\$2,087,200.04

The proposed distribution of these funds (which incorporates a programmed paving goal of 2.54 miles) is: \$1,275,000 for paving unpaved roads, (7 priorities identified), \$100,000 for several rural paving alternatives (3 alternatives identified), and, finally, \$100,000 for improvements to both paved and unpaved roads: which may include spot stabilization, paved road improvements, pipe improvements, at small bridges, and safety projects. It was noted that the proposed program was still subject to funding availability, favorable right-of-way and environmental reviews and other standard DOT criteria.

Several Commissioners inquired about particular roads, but the overall consensus was that the proposed program seemed reasonable and appropriate, even though it was readily noted that the available funding was much less than the County's obvious needs.

It was noted the Public Hearing was duly advertised as required by NCGS 136-44.5 and the Public Hearing was opened. There were no speakers from the audience or the general public that commented.

Mr. Gallman then described the 3 different options for the County with respect to the proposed program as follows:

- (1) Concur in the proposal as described (via a Board Resolution)
- (2) Take no action
- (3) Make specific recommendations to deviate from the proposed program (via a Board Resolution)

Commissioner Wooten made a motion to accept the proposal. Vice Chair Cornelius second.

Vote: 5/0

Commissioner Wooten made a motion to establish a Resolution Accepting the DOT Secondary Road Improvement Plan. Vice Chair Cornelius second.

Vote: 5/0

BOARD APPOINTMENTS

There were no Board appointments for today's meeting.

BOARD REPORTS/REQUESTS

Robert Smith, Moseley Architects, was present to provide an update on the status of the Jail Project, including the latest information regarding estimated cost alternatives between the Hoots Road site and the downtown site. In particular, the initial estimate of probable cost (dated 2/4/08 and further updated on 3/19/08 as a result of receiving the Report of Preliminary Sub-surface Exploration from the S&ME Testing Company [dated 3/7/08]) was reviewed. In addition, Mr. Smith distributed a current project timeline to each Board member, which outlined both the current status and proposed

benchmarks related to the project on Hoots Road. General discussion followed and Commissioner Garner noted that based on the available information, there was no way the downtown site (bounded by East Hemlock, North Van Buren, and East Cherry Street) could cost less, on a comparable basis, with the Hoots Road site. Mr. Smith reintroduced Adam Grabeic, who has recently returned to the firm.

Dr. Jim Benfield, Yadkin County Schools Superintendent, generally addressed the Board on a number of matters related to the schools. Among them, he discussed his ongoing appreciation for the wonderful cooperation that has developed between the Board of Education, the Board of Commissioners, and the Administrative staffs of both. He indicated the recommendations for the 2 new principals at the middle schools would be presented to the Board of Education on Monday evening and, following that, identification and training of the rest of the middle school staff could be planned and coordinated in preparation for the middle schools opening for the 2009 school year. Additional discussion occurred regarding subjects to be offered in both the core curriculum, enhancements in creative arts, foreign language, and other valuable electives. These comments mirrored the report provided when the Boards met jointly on March 31, 2008. Dr. Benfield also updated the status of construction at both the new middle schools (Forbush and Starmount) and indicated that construction progress at Starmount was ahead of Forbush. Dr. Benfield reported on some issues with the State Division of Water Quality (DWQ) at the Forbush site, but those issues were being resolved.

Major Danny Widener of the Sheriff's Office, reported on several matters including the following:

- (1) The 287(g) Program – This program (the identification of criminal aliens detained by law enforcement agencies through a cooperative program with the NC Sheriffs' Association, US Customs, and the US Immigration and Enforcement Agency) was being implemented by the Yadkin County Sheriff's Office, although space limitations and other factors prohibited full implementation at this time. Accomplishments to date include authorization to run Immigration Alien Queries (IAQ) on arrested foreign-born individuals and to date there have been 45 inquiries, 3 individuals detained, 3 additional individuals with pending orders for detainment, and 1 deportation.

- (2) Inmate healthcare services to Hoots Hospital – A report was provided regarding inmate medical services previously provided by Southeastern Service Group (SSG). As a result of the bankruptcy of SSG, services were transitioned to Hoots Memorial Hospital. These resulted in a still outstanding balance (owed to Hoots) of \$25,321.75. Further negotiation (principally headed up by the County Attorney) has reduced this amount to \$12,821.75. This is a matter that has been carried forward from the period of 7/1/06 to 6/30/07. Resolving this matter will require a subsequent budget amendment, which the staff indicated could be forthcoming at the Board's 4/21/08 meeting.

Vice Chair Cornelius made a motion to approve the negotiated settlement with Hoots Hospital and to bring forward the needed budget amendment. Commissioner Wagoner second for discussion.

Vote: 3/2 (Wagoner and Wooten opposed)

- (3) 2007-2008 Budget Amendment for SCAAP (State Criminal Alien Assistance Program) – The receipt of these funds was based on a County contract with Robert Segal and Associates, who researched, prepared, and submitted all necessary application information.

Vice Chair Cornelius made a motion to approve the Budget Amendment for SCAAP Funds in the total amount of \$11,944. with \$5,972 to Segal and Associates and \$5,972 to the Jail. Commissioner Garner second.

Vote: 5/0

[Budget Amendment for SCAAP is attached as Addendum A]

The Board reviewed the 2007 Annual Report on Child Fatality and Child Protection Team from Public Health Director, Mike Reavis.

Vice Chair Cornelius made a motion to accept the 2007 Annual Report on Child Fatality and Child Protection Team. Commissioner Garner second.

Vote: 5/0

SERVICE AWARDS

The Board reviewed the Declaration of National County Government Week and National Public Service Week.

Commissioner Wagoner made a motion to approve the Declaration of National County Government Week and National Public Service Week. Vice Chair Cornelius second.

Vote: 5/0

[Declaration of National County Government Week and National Public Service Week is attached as Addendum B]

In recognition of Public Service Week and County Government Week, the County Manager, along with each individual Commissioner, presented the Service Awards (which included a Certificate of Appreciation, a laminated reprint from the Heritage of Yadkin County concerning the County Seal, and a service pin.) Prior to the awards, the Manager read portions of the history regarding the County Seal and what each symbol represented. Commissioner Cornelius assisted with presentations for the following employees with 5 years of service:

Jerry Hutchens – Animal Control
Rena Hutchens – EMS
Janet Joyner – Social Services
Donald Vestal – Sheriff's Office
Matthew Hodge – Detention

Darrell Hardy – EMS
Jason Holloway – EMS
Steven Brenwald - Detention
Shane Shore – Sheriff's Office

Commissioner Wooten assisted with presentations for the following employees with 10 years of service:

Henry Hutchens – Animal Control
Jason Walker – Soil and Water
Joyce Berk – DSS

Melissa Riddle – EMS
Tracy Somers – DSS
Patricia Barringer – Health Dept.

Commissioner Wagoner assisted with presentations for the following employees with 15 years of service:

John Matthews – EMS
Gretchen Branch – DSS
Elbert Wishon – Recycling
Martha Powell – Health Dept.

Linda Combs – DSS
Cathy Troutner – DSS
Tracy Wishon – Parks and Rec.

Commissioner Garner assisted with presentations for the following employees with 20 years of service:

Keith Vestal – EMS
Barbara Cottrell – DSS
Kimberly Harrell – DSS

Adrian Haynes – EMS
Luane Williard – DSS

Chair Phillips assisted with presentations for the following employees with 25 years of service:

Anthony Matthews – EMS

Ginger McGhee – Cooperative Ext.

Finally, Board Chair Phillips made special mention to all County employees in attendance of the Board's appreciation of their service and their fundamental value to Yadkin County Government. She indicated that, hopefully, the Service Awards just presented, along with the RESOLUTION recognizing Public Service was an indication of this appreciation.

Chair Phillips called for a recess at 10:40am. The meeting resumed at 10:55am.

County Manager Williams presented the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS PROCLAIMING FEBRUARY 14TH AS "STARMOUNT HAS A HEART DAY" in recognition of the efforts of Natalie Ford for implementing an organ and tissue donation program at Starmount High School.

Natalie Ford, along with her mother, Teresa, and Starmount High School Principal, Tony George, came forward to receive the RESOLUTION and to further comment on the wonderful example this effort made to help encourage individuals (especially high school students) to seriously consider becoming an organ or tissue donor and the lives that could effect.

Commissioner Wooten made a motion to accept the RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS PROCLAIMING FEBRUARY 14TH AS "STARMOUNT HAS A HEART DAY". Commissioner Wagoner second.

Vote: 5/0

[RESOLUTION OF THE YADKIN COUNTY BOARD OF COMMISSIONERS DECLARING FEBRUARY 14TH "STARMOUNT HAS A HEART DAY" is attached as Addendum C]

Bobby Todd, Economic Development Director, was present to provide his regular monthly report on economic development related activities. In summary, he indicated the following: (1) Overall activity (both industrial and commercial) had been fairly brisk. Several different projects were being discussed. (2) The Bepco property remained on the market and April 1 began the final year in the arrangements related to the former Sara Lee property. (3) Mr. Todd commented on the County's still favorable unemployment rate, even though it had increased a bit during the last reporting period. (4) Mr. Todd commented on various other activities which both the EDC and the Chamber had been involved with, including the newly formed Yadkin County and Yadkinville TDAs, various tourism and marketing activities, etc. (5) The recent Open House at Raffildini was also mentioned. Vice Chairman Cornelius added that he had attended the event as well and it was very impressive.

Randy Darden, Arcadis Engineer, was present to provide an update on various utility projects. Mr. Darden distributed several informational sheets including the status on (1) the Deep Creek Watershed 5-D Project; (2) the Jonesville to West Yadkin Elementary Project, which is approximately 98% complete; (3) the I-77/US 421 Interchange Watermain Extension, which is 100% complete as far as construction and lacks only submitting the Engineer's Certification and Test Results to NC DENR for approval; (4) the Hoots Road Sewer System Project, which is approximately 65% complete - items still remaining include finishing the electrical work at the pump stations, paving, NCDOT bridge hanging, and associated agency approvals and, finally; (5) the Courtney-Huntsville Watermain Extension Project, which is approximately 20% complete with roughly 2000 linear feet of the 8000 linear feet total already installed.

During this discussion, Commissioner Wooten questioned a possible connection to the Courtney-Huntsville Project for Courtney Baptist Church and both Mr. Darden and the County Manager indicated the leadership of the Church had already been in touch and cost estimates were in the final stages

of development and would be provided to them, with the understanding that any such connection would be the responsibility of the church.

Finally, it was mentioned that plans were in place to add up to 6 new hydrants (possibly 4 if adequate) to the I-77/US 421 Interchange Project, which was affordable as the added cost was still well within the project budget. These added hydrants were in response to additional discussions with Arcadis, Volunteer Fire Department representatives, and Fire Marshal, Eddie Weather.

Commissioner Wooten made a motion to approve the additional hydrants for the I-77/US 421 Interchange Project. Commissioner Garner second.

Vote: 5/0

BOARD ACTION

Yadkin County Noise Ordinance – Included with the Board's agenda packet was a copy of the County's existing Noise Ordinance and the Noise Ordinance from Forsyth County. Discussions followed regarding certain deficiencies in the County's existing regulations. Vice Chair Cornelius commented that he felt our ordinance would be strengthened by incorporating some of the provisions gleaned from those in Forsyth County.

Vice Chair Cornelius made a motion to amend the Yadkin County Noise Ordinance by adopting the following sections from the Forsyth County Noise Ordinance:

Section 15-1 (a)

Section 15-5 (a)

Section 15-5 (b) (2)

Section 15-5 (b) (7)

Commissioner Garner second.

Vote: 5/0

Review of County's Current Policy on Solicitation – The County Manager relayed recent concerns that had arisen regarding the solicitation for certain fundraisers in County offices. A copy of the County's current regulations (contained in the Personnel Resolution) was included with the Board's agenda packet. That standard is as follows: "In order to protect employees from unwanted interruptions, it is the policy of Yadkin County that solicitation by outsiders is forbidden, unless approved by the County Manager. Solicitation

by co-workers should be done only with prior approval of the Department Head. Distribution of literature of any kind to employees without the prior approval of the County Manager or the Department Head is not permitted.”

The Board consensus was that this standard was sufficient and simply needed to be well understood by any solicitor and the various County Department Heads, officers, and employees.

Commissioner Garner made a motion to have this Solicitation Policy distributed and have appropriate signs printed and posted in County buildings. Vice Chair Cornelius second.

Vote: 5/0

Stromberg Time and Attendance System – This matter was further reviewed by the Board, along with the County Manager and the IT Director, Chris Shugart. The overall benefits were briefly reviewed again.

Vice Chair Cornelius made a motion to approve the Budget Amendment for the Stromberg Time and Attendance System conditioned upon (following consultation with the County Attorney) that all agreements, contracts, etc. were legally approved. Commissioner Wooten second.

Vote: 5/0

[Budget Amendment for the Stromberg Time and Attendance System is attached as Addendum D]

RESOLUTION SUPPORTING THE CERTIFICATE OF NEED FOR A REPLACEMENT OF DAVIE COUNTY HOSPITAL – This RESOLUTION was read out loud by the Chairman and reviewed by the Board.

[RESOLUTION SUPPORTING THE CERTIFICATE OF NEED FOR REPLACEMENT OF DAVIE COUNTY HOSPITAL is attached as Addendum E]

Commissioner Wooten made a motion to approve the RESOLUTION SUPPORTING THE CERTIFICATE OF NEED FOR A REPLACEMENT OF DAVIE COUNTY HOSPITAL. Vice Chair Cornelius second.

Vote: 5/0

MANAGER REPORTS/COMMENTS

The County Manager provided the following:

- (1) A brief recap of the March 31 Joint Meeting with the Board of Education
- (2) A reminder that the nomination of Johnson Modern Electric for a Sustainable Energy Award (with a nomination by the Board) was under review by the NC Energy Office.
- (3) The upcoming schedule for Request for Proposals for servicing the County's Solid Waste Convenience Sites.
- (4) Reference to information received from Crossroads CEO, David Swann on the "Mercer Report", which was a State initiated assessment of all Mental Health LMEs in the State. The report showed that Crossroads Behavioral Healthcare LME is a top performing LME in each of the three performance groupings.
- (5) Information on a recent outbreak of termites in the server room within DSS offices. Follow up actions are currently being explored.

CALENDAR NOTES

Calendar Notes were reviewed. In addition to those listed on the agenda, plans were announced that the Arts Council would host the 23rd Annual Fiddlers Convention and Blue Grass Competition at the Yadkin County Park on Saturday, April 19th.

COMMISSIONER COMMENTS

Vice Chair Cornelius had no additional comments at this time.

Commissioner Garner had no additional comments at this time.

Commissioner Wooten had no additional comments at this time.

Commissioner Wagoner had the following for discussion:

- (1) Commissioner Wagoner made reference to the Mercer Report for Crossroads and a scheduled Crossroads Board Retreat upcoming on the following Saturday.
- (2) Regarding the Minutes discussed earlier in today's meeting, Commissioner Wagoner inquired if Commissioner Wooten had supporting documentation of the cost savings for building the new jail downtown as was asked of him at the March 17, 2008 meeting. Commissioner Wooten replied that he could produce figures at the next regular meeting of the Board. Commissioner Wagoner continued that Commissioner Wooten attempts to deceive the public with minimal truth by making unsupported comments and failing to provide supporting documentation. Commissioner Wagoner cited an issue concerning a \$450,000 cut from a previous year's budget that Commissioner Wooten had requested and had agreed to provide assistance with locating. Commissioner Wooten commented that he had offered his assistance to the County Manager and the County Manager failed to complete the task that was assigned to him. Commissioner Wagoner reiterated that this matter concerned Commissioner Wooten's failure to perform his assigned task, not the Manager. Commissioner Wagoner also cited Commissioner Wooten's opposition to the Solid Waste Household Fee. The Solid Waste Department is now functioning "in the black" as a result of the Solid Waste Household Fee. Commissioner Wooten, as a member of the Solid Waste Committee, had been challenged to produce alternative solutions to the Solid Waste Household Fee but has not done so. Commissioner Wooten responded that the Solid Waste Committee continues to review and develop ideas for the long-term management of the program. Commissioner Wagoner finalized his comments with the adage that an ounce of prevention is worth a pound of cure and commended the majority of the Board for their careful consideration of issues and for looking forward to solutions and progress.
- (3) Commissioner Wagoner acknowledged that he had observed the termite problem in DSS.

Chair Phillips had the following for discussion:

- (1) Chair Phillips requested that Commissioner Wooten provide concrete jail figures supporting his idea that the jail project would be less costly if built downtown.

- (2) Chair Phillips noted the recent Fire Chiefs' meeting and offered a round of thanks for the Volunteer Fire Departments and Firefighters that helped with the recent fires at Saurtown Mountain in Stokes County.
- (3) Chair Phillips acknowledged the Veterans' Service Officer, Chuck Knight, for his outstanding performance for Yadkin County veterans. To date, Mr. Knight has collected \$8,876,000 for Yadkin County veterans.

Vice Chair Cornelius made a motion to enter closed session per GS 143-318.11 (a) 3 to consult with the County Attorney and other legal representatives. Commissioner Wagoner second.

Vote: 5/0

Vice Chair Cornelius made a motion to end Closed Session. Commissioner Wagoner second.

Vote: 5/0

Vice Chair Cornelius made a motion to approve the settlement with Jeremiah Coffey regarding an incident at the Sheriff's Office. Commissioner Wagoner second.

Vote: 5/0

Vice Chair Cornelius made a motion to appoint Chair Phillips as the liaison (point of primary contact for the Board) for matters involving the current litigation on the Jail Project. Commissioner Wagoner second. Commissioner Wooten indicated that he wanted to abstain. The request to abstain was deemed not in accordance with a qualifying reason per Attorney Graham.

Vote: 5/0

Vice Chair Cornelius made a motion to adjourn. Commissioner Garner second.

Vote: 5/0

Meeting adjourned at 1:05pm.

Prepared and Approved by
Acting Clerk, Eric Williams